



## ENERGY AND ENVIRONMENT CABINET

Steven L. Beshear  
Governor

Capital Plaza Tower  
500 Mero Street, 12<sup>th</sup> Floor  
Frankfort, Kentucky 40601  
Phone: (502) 564-7192  
Fax: (502) 564-7484

Leonard K. Peters  
Secretary

July 27, 2010

Dr. A. Stanley Meiburg  
Acting Regional Administrator  
U.S. EPA, Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

Dr. Meiburg,

As requested in the preamble to the "Tailoring Rule" (75 FR 31582), the Energy and Environment Cabinet, on behalf of the Commonwealth of Kentucky, respectfully submits this letter to the EPA Administrator detailing the regulatory process of adopting the "Tailoring Rule". To retain state primacy of the New Source Review (NSR) Program, the Commonwealth is obligated to adopt the recent revisions to the NSR and Title V definitions. Therefore, as a SIP-approved state for the NSR program, the Energy and Environment Cabinet intends to amend the current regulations to define the term "subject to regulation" for the NSR program and the Title V permitting program and maintain a fully SIP-approved NSR program in Kentucky.

Considering the statutory and regulatory requirements in appropriately promulgating regulations, the Energy and Environment Cabinet submits the following schedule for amending the regulations to allow for the incorporation of the "Tailoring Rule."

File regulations with the Kentucky Legislative Research Commission (LRC)	July 14, 2010
Publish regulation in the <i>Administrative Register of Kentucky</i> (ARK) (Begins 30 day public comment period)	August 1, 2010
Conduct Public Hearing in accordance with KRS 13A.270	August 24, 2010
End Public Comment Period	August 31, 2010
Submit Statement of Consideration (SOC) of comments received during public comment period	September 15, 2010
First Legislative Subcommittee (Administrative Regulation Review Subcommittee - ARRS) reviews regulation	October 12, 2010
Second Legislative Subcommittee (Agriculture and Natural Resources Subcommittee) reviews regulation	November 4, 2010
Announce effective date of regulation	If reviewed by 2nd Subcommittee, the effective date is at adjournment of meeting, else 30 days after the regulation referral by 1 <sup>st</sup> subcommittee
Submit amendments to EPA as an amendment to Kentucky's SIP	December 1, 2010
	Please note that 40 CFR 51.104(b) allows for 60 days after the effective date to submit revisions to EPA as a SIP amendment.

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If you have questions or need clarification regarding this information, please contact Mr. John S. Lyons, Director of the Division for Air Quality, at (502) 564-3999 or [John.Lyons@ky.gov](mailto:John.Lyons@ky.gov).

Sincerely Yours,

*L. K. Peters by KPW*

Leonard K. Peters  
Secretary